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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,796	12/13/2004	Marc Bernard	REGIM 3.3-046	8927
530	7590	06/07/2006	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			JAGAN, MIRELLYS	
			ART UNIT	PAPER NUMBER
			2859	

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary	Application No.		Applicant(s)	
	10/517,796		BERNARD ET AL.	
	Examiner		Art Unit	
	Mirellys Jagan		2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
 - 4a) Of the above claim(s) 4-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some * c) ☐ None of:
 - 1. ☐ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/13/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

- a. Group 1, claim(s) 1-3, drawn to a sensor for measuring air temperature comprising a fluid intake shaped for preventing ice buildup.
 - b. Group 2, claim(s) 4-7, drawn to a sensor for measuring air temperature comprising a plurality of suction grooves for ensuring good performance repeatability.
 - c. Group 3, claim(s) 8-12, drawn to a sensor for measuring air temperature comprising a ceramic tube around which a resistive wire is as a sensing element for limiting heat dissipation by conduction in the probe body without the need for a complex assembly.
2. The inventions listed as Groups 1 and 2 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Group 1 claims a sensor for measuring air temperature comprising a fluid intake for preventing ice buildup; and Group 2 claims a sensor for measuring air temperature comprising a plurality of suction grooves for ensuring good performance repeatability. In this case, the special technical featured stated above, i.e., preventing ice buildup and ensuring good performance repeatability, are different for each of the

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Groups. Therefore, the inventions listed as Groups 1 and 2 do not relate to a single inventive concept since they lack the same or corresponding special technical features.

The inventions listed as Groups 1 and 3 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Group 1 claims a sensor for measuring air temperature comprising a fluid intake for preventing ice buildup; and Group 3 claims sensor for measuring air temperature comprising a ceramic tube around which is a resistive wire as a sensing element for limiting heat dissipation by conduction. In this case, the special technical featured stated above, i.e., preventing ice buildup and limiting heat dissipation by conduction, are different for each of the Groups. Therefore, the inventions listed as Groups 1 and 3 do not relate to a single inventive concept since they lack the same or corresponding special technical features.

The inventions listed as Groups 2 and 3 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Group 2 claims a sensor for measuring air temperature comprising a plurality of suction grooves for ensuring good performance repeatability; and Group 3 claims sensor for measuring air temperature comprising a ceramic tube around which is a resistive wire as a sensing element for limiting heat dissipation by conduction. In this case, the special technical featured stated above, i.e., ensuring good performance repeatability and limiting heat dissipation by conduction, are different for each of the Groups. Therefore, the inventions listed as Groups 2 and 3 do not relate to a single inventive concept since they lack the same or corresponding special technical features.

3. During a telephone conversation with Scott Charney on June 2, 2006 a provisional election was made without traverse to prosecute the invention of Group 1, claims 1-3.

Affirmation of this election must be made by applicant in replying to this Office action. Claims 4-12 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Drawings

5. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,302,026 to Phillips.

Phillips discloses a sensor comprising:

a fluid intake fitted to a streamlined body;

a duct provided in said streamlined body to enable fluid flow, the duct communicating with the fluid intake; and

a sensing element disposed inside said duct;

wherein the sensor is characterized in that the fluid intake presents an inlet section that extends in such a manner as to define a surface that slopes relative to the perpendicular to the main flow direction of the fluid at the intake, the surface defining a sliding surface for any pieces of ice that may come to bear thereagainst (will do so due to its slope); the inlet section presenting an inclination relative to a section orthogonal to the main flow direction of the fluid; and the inlet section defines a sliding surface that is concave.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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The following references disclose a total air temperature sensor:

U.S. Patent 5,043,558 to Byles
U.S. Patent 6,974,250 to Severson
U.S. Patent 6,622,556 to May
U.S. Patent Application Publication 2003/0051546 to Collot et al
U.S. Patent Application Publication 2003/0005779 to Bernard
U.S. Patent Application Publication 2003/0058919 to Ice et al
U.S. D497,114 to Willcox

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mirellys Jagan whose telephone number is 571-272-2247. The examiner can normally be reached on Monday-Friday from 11AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on 571-272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJ
June 2, 2006


Mirellys Jagan
Patent Examiner
Technology Center 2800